

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**JASON COOKSEY, HEIDI COOKSEY AND  
SARAH COOKSEY, SYDNEY COOKSEY AND  
SADIE COOKSEY, MINORS, BY AND  
THROUGH THEIR NATURAL GUARDIANS,  
JASON AND HEIDI COOKSEY**

**PLAINTIFFS**

**V.**

**CAUSE NO. 1:18-cv49-LG-RHW**

**HUNT SOUTHERN GROUP, LLC FKA  
FOREST CITY SOUTHERN GROUP, LLC,  
FOREST CITY RESIDENTIAL MANAGEMENT, LLC,  
HUNT MH PROPERTY MANAGEMENT LLC,  
UNKNOWN JOHN AND JANE DOES A THROUGH M, AND  
OTHER UNKNOWN CORPORATE ENTITIES N THROUGH Z**

**DEFENDANTS**

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT – PUNITIVE  
DAMAGES APPROPRIATE REMEDY UNDER SERVICEMEMBER'S CIVIL  
RELIEF ACT (SCRA)**

COME NOW Plaintiffs, by and through their counsel of record, Rushing & Guice, P.L.L.C., and file this Motion for Partial Summary Judgment – Punitive Damages Appropriate Remedy Under Servicemember's Civil Relief Act (SCRA), and would show this honorable Court as follows.

1. The SCRA, enacted in 2003 and amended several times since then, revised and expanded the Soldiers' and Sailors' Civil Relief Act of 1940 (SSCRA), a law designed to ease financial burdens on servicemembers during periods of military service. See 50 U.S.C. §§ 3901-4043. The SCRA is a federal law that provides protections for military members as they enter active duty. It covers issues such as rental agreements, security deposits, prepaid rent, evictions, installment contracts, credit card interest rates, mortgage interest rates, mortgage foreclosures,

civil judicial proceedings, automobile leases, life insurance, health insurance and income tax payments.

2. The location of the SCRA within the United States Code changed in late 2015. Previously found at (codified and cited as) 50 U.S.C. App. §§ 501-597b, there was an editorial reclassification of the SCRA by the Office of the Law Revision Counsel of the United States House of Representatives that became effective on December 1, 2015. The SCRA is now found at (codified as) 50 U.S.C. §§ 3901-4043.

3. 50 U.S.C. §4042 speaks to a private right of action and the recovery of monetary damages:

(a) In general. Any person aggrieved by a violation of this Act [50 U.S.C. App. §§501 et seq.] may in a civil action –

(1) obtain any appropriate equitable or declaratory relief with respect to the violation;

and

(2) recover all other appropriate relief, including monetary damages.

4. 50 U.S.C. §4043 speaks to preservation of remedies:

Nothing in Section 801 or 802 [50 U.S.C. App. §§597 or 597a] shall be construed to preclude or limit any remedy otherwise available under other law, including consequential and punitive damages.

5. Plaintiffs allege a violation of § 3951 of the SCRA which provides that except by court order, a landlord (or another person with paramount title) may not—

(A) evict a servicemember, or the dependents of a servicemember, during a period of military service of the servicemember, from premises—

(i) that are occupied or intended to be occupied primarily as a residence; and

(ii) for which the monthly rent does not exceed \$2,400, as adjusted under paragraph (2) for years after 2003; or

(B) subject such premises to a distress during the period of military service.

6. The SCRA provides for the recovery of punitive damage awards in appropriate cases.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request this Court grant Plaintiffs' Motion for Partial Summary Judgment and find the punitive damages are recoverable under the SCRA.

Respectfully submitted this the 10th day of May, 2019.

RUSHING & GUICE, P.L.L.C.  
Attorneys for Plaintiffs

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 10th day of May, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF filing system which sent notification of such filing to all counsel of record.

SO CERTIFIED this the 10th day of May, 2019.

/s/ Maria Martinez  
MARIA MARTINEZ